

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JUAN POLANCO,</b>	:	<b>CIVIL ACTION NO. 1:19-CV-865</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>UNITED STATES OF AMERICA, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 25th day of January, 2021, upon consideration of defendants' motion (Doc. 49) to dismiss and for summary judgment, and it appearing that whether plaintiff has exhausted his administrative remedies in accordance with the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), is at issue, and the court noting that it must provide the parties notice and an opportunity to be heard on the exhaustion issue, see Paladino v. Newsome, 885 F.3d 203 (3d Cir. 2018), it is ORDERED that the court hereby places the parties on notice that it may consider exhaustion in its role as fact finder under Small v. Camden Cty., 728 F.3d 265 (3d Cir. 2013), and, on or before February 4, 2021, the parties may supplement the record with any additional supporting evidence relevant to exhaustion of administrative remedies.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania